

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JOSE BERMUDEZ.

**Plaintiff,**

v.

CITY OF BERKELEY; OFFICER R. ROE # 81 in his capacity as an individual; OFFICER M.B. MEREDITH # 102 in his capacity as an individual; FORMER CHIEF OF POLICE DOUGLAS N. HAMBLETON in his official capacity and in his capacity as an individual; and DOES 1-99 in their official capacities and/or in their capacities as individuals.

## Defendants.

Case No.: C10-02893 CW

## ORDER

## **DISMISSING CLAIMS AGAINST DEFENDANT MEREDITH [Fed. R. Civ. P. 41(a)]:**

**GRANTING LEAVE TO FILE AN AMENDED  
COMPLAINT [Fed R. Civ. P. 15(a)(2)];**

## **VACATING PREVIOUS CASE MANAGEMENT ORDER;**

## **RESCINDING ADR DEADLINES; and**

# **SETTING DATE OF CASE MANAGEMENT CONFERENCE**

PURSUANT TO STIPULATION by the Parties to this action, the Court hereby ORDERS as follows:

- (1) All causes of action against Defendant Officer M.B. Meredith are hereby DISMISSED with prejudice pursuant to Fed. R. Civ. P. 41(a).

(2) Plaintiff may file an Amended Complaint naming additional defendants and asserting additional causes of action against those defendants, pursuant to Fed. R. Civ. P. 15(a)(2). Plaintiff shall file his Amended Complaint no later than \_\_\_\_\_ December 20, 2010 \_\_\_\_\_ and serve copies on the additional defendants named therein within \_\_\_\_\_ 7 \_\_\_\_\_ days thereafter, together with a summons unless service is waived, or show good cause why service could not be effected in that time.

- (3) Defendants CITY OF BERKELEY, ROE, AND HAMBLETON, having waived notice and service of the Amended Complaint, are not required to file an Answer thereto. All denials, responses, and affirmative defenses contained in their Answers to the original Complaint are deemed responsive to the Amended Complaint.

(4) OFFICER JOHN JONES, named in the Amended Complaint as a new defendant, may, if he so chooses, waive notice of suit and service of the Amended Complaint. If Defendant JONES waives notice and service, he may respond to the Amended Complaint by joining the Answer of Defendants CITY OF BERKELEY, ROE, and HAMBLETON to the original Complaint and shall not be required to file a separate responsive pleading.

(5) The Court's Case Management Order dated October 12, 2010 is hereby VACATED.

(6) The ADR requirements and deadlines set forth by the Court in that Order are hereby RESCINDED.

(7) A Case Management Conference is hereby ORDERED to be held on  
1/25/2011 at 2:00 p.m. in Courtroom 2, Oakland.  
All Parties to the action are ORDERED to appear.

(8) The Parties are to meet and confer in preparation for the said Case Management Conference no later than 1/11/2011. Each Party shall file (i) an ADR Certification and (ii) either a Stipulation to ADR Process or a Notice of Need for ADR Phone Conference on or before the same date (all forms are available at <http://www.cand.uscourts.gov>).

**[PROPOSED] ORDER RE: DISMISSAL OF CLAIMS; AMENDED COMPLAINT;  
VACATION OF CASE MANAGEMENT ORDER; and SECOND CMC**

Case No. C10-02893 CW

(9) The Parties shall file a Joint Case Management Statement on or before **1/18/2011**. The Statement shall comply with the requirements of a Rule 26(f) Report and with the Standing Order for All Judges of the Northern District of California re: Contents of Joint Management Statement, a copy of which is to be served by Plaintiff on Defendants (also available at <http://www.cand.uscourts.gov>).

(10) The Parties shall complete their initial disclosures before filing their Rule 26(f) Report or state their objection therein.

(11) Plaintiff shall serve a copy of this Order on Defendants along with the Amended Complaint, Summons, and other documents required by Local Rule 4-2 of this Court.

Date: 12/16/2010

**IT IS SO ORDERED.**

Claudia Wilken  
District Judge